



SOUTH DAKOTA REGISTER

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FILINGS WITH THE LEGISLATIVE RESEARCH COUNCIL

Notice of Proposed Rules

Date in parentheses indicates when rules were filed with the Legislative Research Council.
Copies of proposed rules may be obtained for no charge at <https://rules.sd.gov> or from the agency directly.

Department of Social Services: (September 18, 2020) intends to amend rules to outline the minimum standards that facilities must meet to be designated as an appropriate regional facility. The general authority for these rules, as cited by the department, is SDCL 27A-10-1.2.

A public hearing will be held telephonically on October 16, 2020, at 3:00 p.m. CT. Interested parties may attend by calling (844) 833-2681 and using conference code 0094258#. Copies of the proposed rules may be obtained without charge from Teresa Schulte, Department of Social Services, 811 East 10th Street, Sioux Falls, South Dakota 57103. The rules are also available online at <http://rules.sd.gov>. Comments may be sent to Teresa Schulte, Department of Social Services, 700 Governors Drive, Pierre, South Dakota 57501 or by email to DSSAdminRules@state.sd.us. Material sent by mail must reach the department by October 27, 2020, to be considered. This hearing is being held in a physically accessible location. Persons with special needs for which the department can make arrangements may call (605) 367-5444, extension 1000309 at least 48 hours before the public hearing.

Department of Agriculture: (September 21, 2020) intends to amend rules to require private applicators to maintain application records and remove the requirement of aerial applicators to submit an aerial application form that is no longer utilized. The general authority for these rules, as cited by the department, is SDCL 38-21-15, 38-21-15.1, and 38-21-51.

A public hearing will be held in the DENR Conference Room, Foss Building, 523 East Capitol Avenue, Pierre, South Dakota, on October 13, 2020, at 1:00 p.m. CT. Copies of the proposed rules may be obtained without charge from and written comments sent to the Department of Agriculture, Agricultural Services Division, 523 East Capitol Avenue, Pierre, South Dakota 57501. The comment period will close on October 23, 2020. This hearing is being held in a physically accessible location. Persons with special needs for which the department can make arrangements may call (605) 773-4432 at least 48 hours before the public hearing.

South Dakota Banking Commission (Department of Labor and Regulation): (September 22, 2020) intends to amend rules to reduce certain fees charged for various bank applications to reflect changes made to the applicant payment process by the passage of House Bill 1015 during the 2020 Legislative Session, and reduce the number of copies of each application submitted to the Division of Banking. The general authority for these rules, as cited by the division, is SDCL 51A-2-13, 51A-3-7, and 51A-6A-11.1.

A public hearing will be held telephonically on October 29, 2020, at 1:30 p.m. CT. Interested parties may attend by calling (605) 679-7263 and using conference code 860838999#. Copies of the proposed rules may be obtained without charge from and written comments sent to South Dakota Division of Banking, 1601 North Harrison Avenue, Suite 1, Pierre, South Dakota 57501. Material sent by mail must reach the division by October 29, 2020, to be considered. This hearing is being held in a physically accessible location. Persons with special needs for which the division can make arrangements may call (605) 773-3421 at least 48 hours before the public hearing.

Department of Revenue: (September 22, 2020) intends to amend rules regarding odometer disclosure exceptions. The general authority for these rules, as cited by the department, is SDCL 32-3-57.

A public hearing will be held virtually on October 13, 2020, at 8:30 a.m. CT. Interested parties may attend through the [Zoom link](#) or by calling (312) 626-6799. The meeting ID is 932 0709 5222 and the passcode is 042390. A link to the hearing is also available at <https://dor.sd.gov/calendar>. Copies of the proposed rules may be obtained without charge from and written comments sent to South Dakota Department of Revenue, Legal Division, Anderson Building, 445 East Capitol Avenue, Pierre, South Dakota 57501. Information submitted by mail must be received on or before October 27, 2020, to be considered. This hearing is being held in a physically accessible location. Persons with special needs for which the department can make arrangements may call (605) 773-6314 at least 48 hours prior to the hearing.

Notices

The **Department of Social Services** intends to hold a public forum regarding the Former Foster Care Youth Demonstration. The demonstration was approved by the Center for Medicare and Medicaid Services on May 1, 2018, and provides the State with the authority to continue Medicaid coverage for individuals who were in foster care under the responsibility of another state, were enrolled in Medicaid in that state, and now reside in South Dakota. As of August 3, 2020, eight individuals were covered under the demonstration. To be eligible for Medicaid coverage under the demonstration, an individual must: be a citizen of the United States, or have a non-citizen status that qualifies for federally funded Medicaid; be a South Dakota resident; are under the age of 26; are not otherwise mandatorily eligible for coverage under the state plan; were in foster care under the responsibility of another state and were enrolled in Medicaid under another state's plan or 1115 demonstration when they turned 18 or at the time of aging out of the state's foster care program; and have an income less than 182% of the Federal Poverty Level.

The forum gives the public an opportunity to provide feedback on the progress of the demonstration project. The forum will be held in the Kneip 3 Conference Room, Kneip Building, 700 Governors Drive, Pierre, South Dakota, on November 3, 2020, at 3:30 p.m. CT. Interested parties may attend telephonically by calling (866) 410-8397 and using conference code 592 274 6166. Questions regarding the forum may be sent to DSS.Medicaid@state.sd.us.

FILINGS WITH THE OFFICE OF THE SECRETARY OF STATE

Final Administrative Rules

[LAW ENFORCEMENT OFFICERS STANDARDS AND TRAINING COMMISSION \(OFFICE OF THE ATTORNEY GENERAL\):](#) 2:01:02:01; 2:01:06:03, 2:01:06:05:01; 2:01:11:08, 2:01:11:09; 2:01:13:18; 2:01:15:05; 2:05:01:01.

History/Notice: 47 SDR 7, July 20, 2020

Hearing: August 19, 2020

Filed: September 21, 2020

Effective: October 12, 2020

[SOUTH DAKOTA BOARD OF CHIROPRACTIC EXAMINERS \(DEPARTMENT OF HEALTH\):](#) 20:41:02:02; 20:41:04:01, 20:41:04:02; 20:41:05:01, 20:41:05:02, 20:41:05:04, 20:41:05:04.01, 20:41:05:05, 20:41:05:06, 20:41:05:06.01, 20:41:05:06.02, 20:41:05:07, 20:41:05:09, 20:41:05:13; 20:41:06:02; 20:41:07:01; 20:41:08:01, 20:41:08:02; 20:41:09:06, 20:41:09:11; 20:41:10:01, 20:41:10:04, 20:41:10:05.01, 20:41:10:05.02, 20:41:10:05.03, 20:41:10:06.01, 20:41:10:06.02, 20:41:10:06.04, 20:41:10:06.05; 20:41:12:02; 20:14:13:02, 20:14:13:03, 20:41:13:04, 20:41:13:06, 20:41:13:09, 20:41:13:09.01, 20:41:13:11, 20:41:13:11.01, 20:41:13:12; 20:41:15:01, 20:41:15:07, 20:41:15:09, 20:41:15:11, 20:41:15:12, 20:41:15:13.

History/Notice: 47 SDR 11, July 27, 2020

Hearing: August 19, 2020

Filed: September 21, 2020

Effective: October 12, 2020

[SOUTH DAKOTA BOARD OF PHARMACY \(DEPARTMENT OF HEALTH\):](#) 20:51:02:11.01; 20:51:05:23; 20:51:28:01, 20:51:28:01.01, 20:51:28:02, 20:51:28:02.01, 20:51:28:03, 20:51:28:04, 20:51:28:05, 20:51:28:06, 20:51:28:07.

History/Notice: 47 SDR 17, August 10, 2020

Hearing: September 1, 2020

Filed: September 22, 2020

Effective: October 12, 2020

[SOUTH DAKOTA BOARD OF TECHNICAL EDUCATION \(DEPARTMENT OF EDUCATION\):](#) 24:59:02:01, 24:59:02:02, 24:59:02:03, 24:59:02:04.

History/Notice: 47 SDR 11, July 27, 2020

Hearing: August 18, 2020

Filed: September 22, 2020

Effective: October 12, 2020

[DIVISION OF LABOR AND MANAGEMENT \(DEPARTMENT OF LABOR AND REGULATION\):](#) 47:03:01:09; 47:03:05:01, 47:03:05:02, 47:03:05:05.

History/Notice: 46 SDR 149, June 22, 2020

Hearing: August 19, 2020

Filed: September 24, 2020

Effective: October 14, 2020

[SOUTH DAKOTA BOARD OF EXAMINERS FOR COUNSELORS AND MARRIAGE AND FAMILY THERAPISTS \(DEPARTMENT OF SOCIAL SERVICES\):](#) 20:68:01:01, 20:68:01:02, 20:68:01:05, 20:68:01:06, 20:68:01:07, 20:68:01:08, 20:68:01:09, 20:68:01:10, 20:68:01:11, 20:68:01:12, 20:68:01:13; 20:68:02:01, 20:68:02:02, 20:68:02:03, 20:68:02:04, 20:68:02:05; 20:68:03:01, 20:68:03:02, 20:68:03:05, 20:68:03:06; 20:68:04:01, 20:68:04:01.01, 20:68:04:01.02, 20:68:04:02, 20:68:04:03, 20:68:04:04, 20:68:04:05, 20:68:04:06, 20:68:04:07, 20:68:04:08, 20:68:04:09, 20:68:04:10, 20:68:04:11, 20:68:04:12, 20:68:04:13, 20:68:04:14, 20:68:04:15, 20:68:04:16; 20:68:05:01; 20:68:06:01, 20:68:06:02; 20:68:07:01, 20:68:07:02, 20:68:07:03, 20:68:07:04, 20:68:07:05, 20:68:07:06, 20:68:07:07, 20:68:07:08, 20:68:07:09, 20:68:07:09.01, 20:68:07:10, 20:68:07:11, 20:68:07:12, 20:68:07:12, 20:68:07:13, 20:68:07:14, 20:68:07:17, 20:68:07:18, 20:68:07:19, 20:68:07:20, 20:68:07:21, 20:68:07:22, 20:68:07:23, 20:68:07:24, 20:68:07:25; 20:68:08:01; 20:71:01:01; 20:71:02:01, 20:71:02:04, 20:71:02:05, 20:71:02:06, 20:71:02:07, 20:71:02:08, 20:71:02:09, 20:71:02:10, 20:71:02:11, 20:71:02:12, 20:71:02:13; 20:71:03:01; 20:71:04:01, 20:71:04:02; 20:71:05:00, 20:71:05:01, 20:71:05:02, 20:71:05:04, 20:71:05:05, 20:71:05:06, 20:71:05:07, 20:71:05:08, 20:71:05:09, 20:71:05:10, 20:71:05:11; 20:71:06:19, 20:71:06:20, 20:71:06:21, 20:71:06:22, 20:71:06:23, 20:71:06:24, 20:71:06:25, 20:71:06:26; 20:71:07:01; 20:71:08:01, 20:71:08:02; 20:73:01:01, 20:73:01:02, 20:73:01:04, 20:73:01:05, 20:73:01:06, 20:73:01:07, 20:73:01:08, 20:73:01:09; 20:73:02:01, 20:73:02:02, 20:73:02:03; 20:73:03:01, 20:73:03:02, 20:73:03:03, 20:73:03:04; 20:73:04:01, 20:73:04:02, 20:73:04:03, 20:73:04:04, 20:73:04:05, 20:73:04:06, 20:73:04:07, 20:73:04:08, 20:73:04:09, 20:73:04:10, 20:73:04:11, 20:73:04:12, 20:73:04:13, 20:73:04:14; 20:73:05:01; 20:73:06:01, 20:73:06:02, 20:73:06:03, 20:73:06:04, 20:73:06:05, 20:73:06:06, 20:73:06:07, 20:73:06:08; 20:73:07:01; 20:73:08:01, 20:73:08:02.

History/Notice: 47 SDR 14, August 3, 2020

Hearing: August 21, 2020

Filed: September 24, 2020

Effective: October 14, 2020

[SOUTH DAKOTA BOARD OF EXAMINERS OF PSYCHOLOGISTS \(DEPARTMENT OF SOCIAL SERVICES\):](#) 20:60:07:01; 20:60:10:01, 20:60:10:02, 20:60:10:03, 20:60:10:04.

History/Notice: 47 SDR 10, July 27, 2020

Hearing: August 21, 2020

Filed: September 24, 2020

Effective: October 14, 2020

SCHEDULED PUBLIC HEARINGS

9-28-2020	<u>Board of Technical Professions (Department of Labor and Regulation)</u> : Amend rules to allow applicants for architect and landscape architect licenses to apply for exams directly with the organization that administers those exams; reduce barriers for out-of-state licensees to become licensed in the state; and update the way professional development hours are logged and audited; 47 SDR 27, August 31, 2020.
10-1-2020	<u>Department of Game, Fish and Parks</u> : Amend rules to establish a fee structure for newly acquired lodging facilities and allow for the Commission to adjust those fees according to demand within the range established; and include a new definition of lodging to coincide with the proposed fee structure; 47 SDR 33, September 14, 2020.
10-2-2020	<u>South Dakota Athletic Commission (Department of Labor and Regulation)</u> : Amend rules to reduce the percentage of gross revenue from an event used to determine the final contest fee for a boxing, kickboxing or mixed martial arts event; cap the event fee at \$300,000; and make the mixed martial arts rules of competition consistent with the unified rules of mixed martial arts regarding fouls; 47 SDR 30, September 8, 2020.
10-13-2020	<u>Department of Agriculture</u> : Amend rules to require private applicators to maintain application records and remove the requirement of aerial applicators to submit an aerial application form that is no longer utilized; 47 SDR 40, September 28, 2020.
10-13-2020	<u>Department of Revenue</u> : Amend rules regarding odometer disclosure exceptions; 47 SDR 41, September 28, 2020.
10-16-2020	<u>South Dakota Appraiser Certification Program (Department of Labor and Regulation)</u> : Amend rules to define evaluation in rule consistent with the statute; define guidelines utilized by federally regulated financial institutions for appraisals and evaluations; provide specific dates for timely submission of a renewal application and fee; identify when an application and fee is not considered to have been submitted in a timely manner; reference guidelines to identify when an appraisal or evaluation is required; remove language from rule that is found in the referenced guidelines; incorporate Federal Registers prescribing the federally regulated financial institutions' threshold levels; specify the transaction value of certain appraisals; modify language and correct errors; remove the requirement for an endorsed supervisory appraiser to complete an education program; add an exception to the limited number of state-registered appraisers a supervisor may supervise; allow certified general appraiser qualifying education for upgrade to state-licensed appraiser credential; specify requirements for disclosure of certain actions in an initial and renewal application; reformat the grounds for disciplinary action rules; add a requirement to report within a specified amount of time a criminal conviction; and add a chapter for evaluation exemptions and standards rules; 47 SDR 33, September 14, 2020.
10-16-2020	<u>Department of Social Services</u> : Amend rules to update the age of a person being screened against the Central Registry from 10 to 18 years of age; 47 SDR 37, September 21, 2020.
10-16-2020	<u>Department of Social Services</u> : Amend rules to outline the minimum standards that facilities must meet to be designated as an appropriate regional facility; 47 SDR 40, September 28, 2020.
10-29-2020	<u>South Dakota Banking Commission (Department of Labor and Regulation)</u> : Amend rules to reduce certain fees charged for various bank applications to reflect changes made to the applicant payment process by the passage of House Bill 1015 during the 2020 Legislative Session, and reduce the number of copies of each application submitted to the Division of Banking; 47 SDR 41, September 28, 2020.

RULES REVIEW COMMITTEE MEETINGS

The final meeting of the Interim Rules Review Committee for the 2020 Interim is Tuesday, November 10, 2020, at 10:00 a.m. via electronic conference with limited public access in Room 414 of the Capitol. Watch for notices of 2020 meetings in this publication, on the [LRC website](#), and at the Capitol.

The Drafting Manual for Administrative Rules in South Dakota is available on the [Administrative Rules Manual page](#) of the LRC website and will be updated regularly to reflect changes in drafting styles and procedures.